

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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DINO N. THEODORE,	)	
Plaintiff,	)	
	)	
<i>v.</i>	)	Docket No. 05-10314RGS
	)	
DeMOULAS SUPER MARKETS, INC.,	)	
Defendant	)	
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**DEFENDANT, DeMOULAS SUPER MARKETS, INC.'S STATUS REPORT**

The Defendant, DeMoulas Super Markets, Inc. submits the following in accordance with the Court's request for a written status report from the parties as a March 15, 2006.

The initial scheduling order proposed by the parties and as adopted by the Court set forth a series of dates for certain activities. Written discovery was to be served by September 8, 2005; a Rule 34 inspection of the subject premises by the Plaintiff was to take place by August 12, 2005; expert witnesses were to be identified by the Plaintiff by July 6, 2005 with expert reports of the Plaintiff's expert witnesses to be provided by September 16, 2005 and subsequent dates concerning depositions and other discovery related matters.

The Defendant propounded written discovery in accordance with the scheduling order and scheduled the depositions of the Plaintiff and his son for late September which were not held.

The Plaintiff did not comply with the deadlines for the Rule 34 inspection, expert witness disclosure, expert reports or written discovery. The Plaintiff's mandatory disclosure was not made until September 27, 2005. On September 30, 2005 the Plaintiff filed a report with the Court concerning Federal jurisdiction which included affidavits from the Plaintiff and Plaintiff's counsel. Through that filing, the Plaintiff evidenced his intent to seek leave to file a further amended complaint (and presumably seek a modification of the scheduling order) but this was never done. The Plaintiff designated his experts, by name only, on September 30, 2005 but never provided any reports. The Plaintiff did not serve interrogatories to the Defendant until October 7, 2005.

**Defendant,  
By its attorney,**

/s/Jeffrey C. McLucas  
Jeffrey C. McLucas, B.B.O. #550650  
McLucas & West, P.C.  
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**CERTIFICATE OF SERVICE**

I, Jeffrey C. McLucas, Esq., counsel for the Defendant, in the above-entitled action, hereby certify that on this day, March 15, 2006, I served upon counsel for: the Plaintiff, **Dino N. Theodore**: Nicholas S. Guerrero, Esq., Shaheen Guerrero & O'Leary, LLC, Jefferson Office Park, 820A Turnpike Street, North Andover, MA 01845; a copy of Defendant's Status Report.

Dated: March 15, 2006

/s/Jeffrey C. McLucas  
Jeffrey C. McLucas, Esq.